

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-95-158-T
	)	CIV-05-832-T
JOHN R. TAYLOR,	)	
	)	
Defendant.	)	

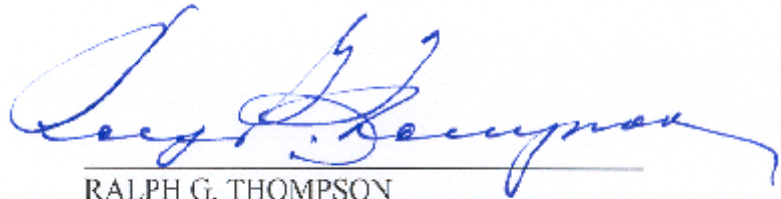
**ORDER**

On July 1, 2005, Defendant John R. Taylor filed his “Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (¶6)(3)” in which Defendant Taylor raises an issue under United States v. Booker, \_\_\_ U.S. \_\_\_, 160 S.Ct. 621 (2005). The present motion is, however, Defendant Taylor’s third attempt to gain relief under §2255. His first §2255 motion was denied by the Court on November 8, 2001. (Doc. Nos. 276, 277.) His second motion was transferred to the Tenth Circuit Court of Appeals on January 24, 2005 (Doc. No. 284) and on May 17, 2005, the appellate court denied his request to file a second or successive §2255 motion (Doc. No. 285).

In Leonard v. United States, 383 F.3d 1146 (10th Cir. 2004), the Tenth Circuit Court of Appeals held that a prisoner seeking to file a §2255 motion based on Blakely failed to make a *prima facie* showing that satisfied the requirements of §2255(2) for filing a second or successive habeas motion.

Accordingly, this matter is again transferred to the Tenth Circuit Court of Appeals for a decision, pursuant to 28 U.S.C. §2244(b)(3)(A), as to whether Defendant Taylor may pursue the present motion in this Court.

IT IS SO ORDERED this 25<sup>th</sup> day of July, 2005.

A handwritten signature in blue ink, appearing to read "Ralph G. Thompson", is written over a horizontal line.

RALPH G. THOMPSON  
UNITED STATES DISTRICT JUDGE